



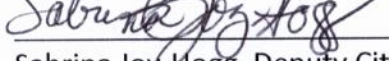
C: Dir., Department of General Services
Dir., Department of Public Work

To the Honorable Council
City of Norfolk, Virginia

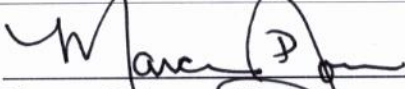
March 22, 2016

From: David S. Freeman, AICP,
Director of General Services

Subject: Acquisition of Property
located at 316 and 318 Brockwell
Avenue

Reviewed: 
Sabrina Joy-Hogg, Deputy City Manager

Ward/Superward: 4/7

Approved: 
Marcus D. Jones, City Manager

Item Number:

R-3

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk, Department of Public Works

III. **Description:**

This agenda item is an ordinance to approve the City of Norfolk's (the "city's") acquisition of real property owned by Henry Eisenbath, and located at 316 and 318 Brockwell Avenue (the "properties), for the purpose of constructing a retention pond.

IV. **Analysis**

The city seeks to purchase the properties in order to build a retention pond that would allow the city to fix, repair, and maintain proper drainage in this area that has a history of drainage concerns. The *Code of Virginia* § 15.2-1901, §15.2-1901.1 and §15.2-2109 and *Norfolk City Charter* 2(5) provide the city authority to purchase private property for public uses.

V. **Financial Impact**

FY2016 Assessed Value of Each Parcel	\$18,000.00 - 316 Brockwell Avenue \$18,000.00 - 318 Brockwell Avenue
Total Cost for Acquisition	Each parcel will sell for the assessed value plus \$5,000.00 per parcel for transactional costs. Combined total cost for this acquisition is \$46,000.00. (\$36,000.00 for the parcels plus \$10,000.00 for the transactional costs)
Typical Costs of Closing	Each party to this transaction shall pay its own legal fees.

VI. Environmental

There will be no environmental impacts.

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the city's agenda notification process.

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This letter and ordinance have been coordinated with the Department of General Services – Real Estate and the City Attorney's Office.

Supporting Material from the City Attorney's Office:

- Ordinance
- Exhibit Plat
- Legal Description

Form and Correctness Approved: *RAH*By *Alexander*

Office of the City Attorney

Contents Approved: *[Signature]*By *[Signature]*

DEPT. General Services

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

\$ 46,000.002300-35-010-5307*[Signature]*
Director of Finance

Account

3/1/16

Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE FINDING A PUBLIC NECESSITY FOR THE ACQUISITION IN FEE SIMPLE OF CERTAIN PROPERTY LOCATED AT 316 AND 318 BROCKWELL AVENUE FOR THE PURPOSE OF CONSTRUCTION OF A RETENTION POND; APPROVING THE ACQUISITION OF THE PROPERTY BY PURCHASE AGREEMENT OR CONDEMNATION; AND AUTHORIZING THE EXPENDITURE OF A SUM OF UP TO \$46,000.00 FROM FUNDS HERETOFORE APPROPRIATED FOR ACQUISITION OF THE PROPERTY AND ALL RELATED TRANSACTIONAL COSTS.

- - -

WHEREAS, the City of Norfolk ("City") has identified a drainage issue at 316 and 318 Brockwell Avenue ("Property") and the surrounding area; and

WHEREAS, in order for the City to fix, repair and maintain proper drainage in the area, it will be necessary to construct a retention pond on the Property, said property being shown on Exhibit A and described in Exhibit B, attached hereto; and

WHEREAS, the City is empowered by the provisions of Virginia Code Sections 15.2-1901, 15.2-1901.1 and 15.2-2109 and by Norfolk City Charter Section 2(5) to acquire private property for public uses; and

WHEREAS, it is the judgment of the Council of the City

of Norfolk that the acquisition of the property is necessary to assist with drainage on and around the Property; and

WHEREAS, available property records indicate that the person or entity having an ownership or other possessory interest in the property to be acquired by the City is, at the time of the adoption of this ordinance, Henry Eisenbath; now, therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That pursuant to the provisions of Virginia Code Sections 15.2-1901, 15.2-1901.1 and 15.2-2109 and by Norfolk City Charter Section 2(5), the Council finds that the acquisition of the property shown on Exhibit A and described in Exhibit B is necessary for the purpose of building a retention pond to assist with drainage in the area.

Section 2:- That the acquisition of the said property upon such terms and conditions as the City Manager shall deem reasonable and in the best interest of the City is hereby authorized and approved.

Section 3:- That the City Manager is authorized to accept an appropriate deed in form satisfactory to the City Attorney, and to do all things necessary and proper for the acquisition of the property.

Section 4:- That the expenditure of the sum of up to \$46,000.00 from funds heretofore appropriated for the acquisition of the property, including all related transactional costs, is hereby authorized and approved.

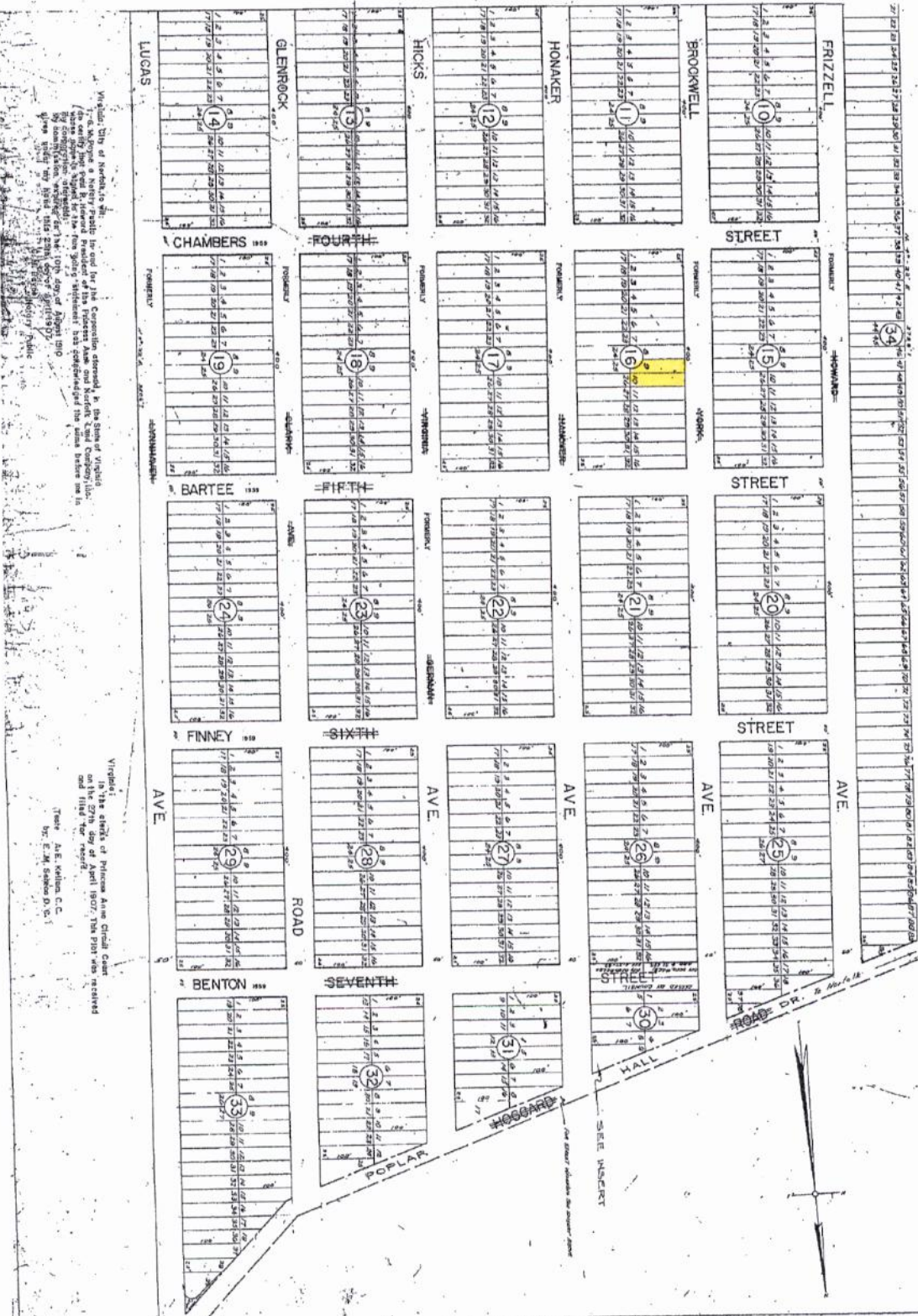
Section 5:- That in the event the bona fide efforts to acquire the property by means other than condemnation are ineffectual, the City Manager and City Attorney be, and hereby are, authorized and directed to take such action as may be necessary to acquire the property including the institution of condemnation proceedings and the payment of compensation to the owner of the property to be acquired as well as any other persons having an interest in such property. Based on information in available property records, the name of

the owner of the property to be acquired by the City and the total estimated funds necessary to compensate the owner of the property are as follows:

Henry Eisenbath - not less than \$36,000.00.

Section 6:- That this ordinance shall be in effect from and after its adoption.

EXHIBIT A TO ORDINANCE



Virginia City of Norfolk, to wit:
I, the undersigned, James M. Smith, President of the Princess Anne and Norfolk Land Company, do hereby certify that the above described land is the property of the Princess Anne and Norfolk Land Company, and that the same is being offered for sale by public auction on the 1st day of August 1910.

Witness my hand and seal this 1st day of August 1910.
JAMES M. SMITH, President
By E. M. Smith, D. C.

EXHIBIT B TO ORDINANCE

Description

316 – 318 Brockwell Avenue

All those certain lots, pieces or parcels of land, lying, being and situate in the City of Norfolk, at GLENROCK (formerly County of Princess Anne) State of Virginia, being known, numbered and designated as the plat of GLENROCK, which plat is duly of record in the Clerk's Office of the Circuit Court, City of Virginia Beach (formerly Princess Anne County) Virginia, in Map Book 3, page 135, as Lots numbered 9 and 10, in Block 16, on the east side of Brockwell Avenue.